

1-1 By: Eltife S.B. No. 875
 1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 April 3, 2013, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; April 3, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Carona	X			
1-8 Taylor	X			
1-9 Eltife			X	
1-10 Estes	X			
1-11 Hancock	X			
1-12 Lucio	X			
1-13 Van de Putte	X			
1-14 Watson	X			
1-15 Whitmire	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the purchase of plastic bulk merchandise containers by
 1-20 certain businesses; providing a civil penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 204.002, Business & Commerce Code, is
 1-23 amended by amending Subsections (a) and (c) and adding Subsections
 1-24 (d), (e), and (f) to read as follows:

1-25 (a) A person who is in the business of recycling, shredding,
 1-26 or destroying plastic bulk merchandise containers, before
 1-27 purchasing five or more plastic bulk merchandise containers from
 1-28 the same person, shall:

1-29 (1) obtain from that person:

1-30 (A) proof of ownership for the containers; and

1-31 (B) a record that contains:

1-32 (i) the name, address, and telephone number
 1-33 of the person or the person's authorized representative;

1-34 (ii) the name and address of the buyer of
 1-35 the containers or any consignee of the containers;

1-36 (iii) a description of the containers,
 1-37 including the number of the containers to be sold; and

1-38 (iv) the date of the transaction; and

1-39 (2) verify:

1-40 (A) the identity of the individual selling the
 1-41 containers or representing the seller from a driver's license or
 1-42 other government-issued identification card that includes the
 1-43 individual's photograph, and record the verification; or

1-44 (B) in a manner determined by the purchaser that
 1-45 the individual is acting on behalf of a corporation, business,
 1-46 government, or governmental subdivision or agency.

1-47 (c) A person who is in the business of recycling, shredding,
 1-48 or destroying plastic bulk merchandise containers and who purchases
 1-49 a plastic bulk merchandise container from an individual, unless the
 1-50 person verifies in a manner determined by the purchaser that the
 1-51 individual is acting on behalf of a corporation, business,
 1-52 government, or governmental subdivision or agency:

1-53 (1) may not pay for the purchase of any plastic bulk
 1-54 merchandise container with cash; and

1-55 (2) shall, for each transaction in which the person
 1-56 purchases one or more plastic bulk merchandise containers, record
 1-57 the method of payment used to purchase the containers.

1-58 (d) A record made under Subsection (c)(2) shall be attached
 1-59 to a record made or obtained under Subsection (a) if a record is
 1-60 required under that subsection.

1-61 (e) A person who violates Subsection (a) or (b) is liable to

2-1 this state for a civil penalty of \$10,000 for each violation.
2-2 (f) A person who violates Subsection (c) is liable to this
2-3 state for a civil penalty in an amount not to exceed \$10,000 for
2-4 each violation. Each cash transaction made in violation of
2-5 Subsection (c)(1) is a separate violation for purposes of imposing
2-6 a penalty under this subsection. In determining the amount of the
2-7 civil penalty imposed under this subsection, the court shall
2-8 consider the amount necessary to deter future violations.

2-9 SECTION 2. Subsection (a), Section 204.004, Business &
2-10 Commerce Code, is amended to read as follows:

2-11 (a) The attorney general or appropriate prosecuting
2-12 attorney may:

2-13 (1) inspect a record retained by a person under
2-14 Section 204.002;

2-15 (2) investigate an alleged violation of this chapter;
2-16 and

2-17 (3) [~~2~~] sue to collect a civil penalty under this
2-18 chapter.

2-19 SECTION 3. This Act takes effect September 1, 2013.

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